

July 20, 2005

Bharat Mathur
Acting Regional Administrator
R-19J
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

David L. Miller
Mayor

Mayor's Office

Municipal Building
229 S. Second Street
Elkhart, Indiana 46516

Phone: 574.294.5471
Fax: 574.293.7964

www.elkhartindiana.org

Re: HIMCO Dump Superfund Site, Elkhart, IN

Dear Mr. Mathur:

First of all thank you for coming to South Bend and participating in important discussions about CSO's. You and your office can be quite helpful to communities working to ensure a cleaner environment. That is why as Mayor of Elkhart I am writing to request your help in resolving a different, but significant problem in our community. The HIMCO Dump Superfund Site ("Site") has been a sore point in our community since its listing on the National Priorities List by U.S. EPA (Agency") over 20 years ago. We recently had reason to believe that the Site would soon undergo remediation that would transform it into a community asset. Now it appears that possibility may be slipping away.

The Agency has spent almost \$6 million on studies of the Site. In late 2004, some twelve years — and no cleanup — after the Agency's initial selection of a remedy for the Site, the Agency issued an Amended Record of Decision that takes into account certain criticisms of its original decision asserted by the companies identified as potentially responsible for the remediation work ("PRPs"). Despite all of this, no work on the final

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Site remediation has begun. The Agency recently rejected an offer by a group of PRPs to perform that work. It appears that a single remaining issue stands in the way of a settlement agreement: reimbursement of the Agency's Site costs.

Performance of the remediation work will allow the Site to be redeveloped into a recreational resource to the community consistent with a reuse plan developed with the Agency's assistance. A failure to reach an agreement will result in prolonged and expensive litigation that will involve many local businesses and community residents and their descendants since some of the people have died since this all began and will significantly delay any remediation work. This has gone on long enough. We are close to a solution!

Your personal assistance in convening a meeting of the key representatives from the Agency and the PRPs may be helpful in breaking the impasse that has developed in the settlement negotiations. Such a meeting may be the only way to get the parties together to see if an agreement can be reached. By copy of this letter, I am notifying the PRP representatives of this request, also.

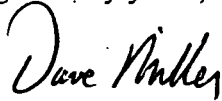
Initiation of the Site remediation work is a very important issue for our City and the surrounding community. Mr. Mathur, would you please set aside a couple hours and your conference room to host a meeting with decision makers in hope of reaching a settlement? I am eager to join you, and will celebrate with you our amicable agreement when we're through.

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Your assistance in this matter is greatly appreciated. Thank you in advance for scheduling the meeting. Let me know the time and place and I'll see that the parties attend.

I am gratefully yours,



Dave Miller, Mayor

City of Elkhart

cc: Gwendolyn Massenburg, US EPA ✓
Larry Johnson, US EPA
Miriam Chesslin, US DOJ
Tom Easterly, IDEM
Senator Evan Bayh
Senator Richard Lugar
Congressman Chris Chocola
Congressman Mark Souder
Patrick Hastings, Bayer Corporation
Reed Oslan, Counsel to Bayer
Charles Himes, HIMCO
Richard Paulen, Counsel to HIMCO
W. C. Blanton, Counsel to Offering PRPs
Jerome Maynard, Counsel to Offering PRPs



United States Environmental Protection Agency

Region V

77 West Jackson Boulevard

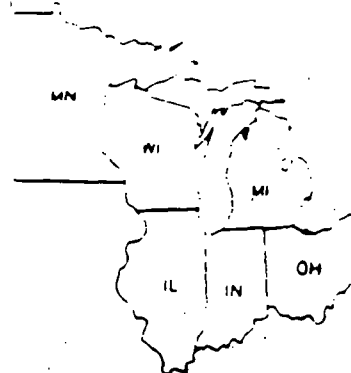
Chicago, Illinois 60604

Superfund Division

Facsimile Cover Sheet

Telephone Number

312-886-4071



To: Mimi Chesslin

Office phone: 202-514-1491

Machine No: 202-616-6584

- DOJ

From: G. Massenburg

Office phone: 312-886-0983

Mail code: SR-65

Date: 7-27-05

Number of pages,
including cover:

4

Message:

Mimi, I already sent this to you
via snail mail. Here's a faxed
copy, per L.J.'s request.

Gwen

Signature: